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Document Review Section  
517-334-6302

Annual Report Section  
517-334-6300

MEETING MINUTES AS REQUIRED BY  
SECTION 9 OF ACT NO. 267 OF THE  
PUBLIC ACT OF 1976

Proposed Minutes Prepared  
by: Dennis Irwin-Stabenow  
for State Boundary Commission

Docket #95-AR-2 / St. Joseph  
Fawn River Township / City of Sturgis

### MEETING INFORMATION

WHERE: Lansing  
WHEN: July 16, 1996  
TYPE: Adjudicative - Findings of Fact and Order

#### COMMISSIONERS PRESENT:

Kenneth VerBurg  
David Rutledge  
Lloyd Walker  
Donald Easterday  
Gordon Meyer

#### COMMISSIONERS ABSENT:

MOTION: To adopt the draft Findings of Fact as the Commission's recommendation to the Director.

MOVED BY: Walker

SUPPORTED BY: Meyer

#### VOTE:

AYES: Unanimous Approval

**STATE OF MICHIGAN**  
**DEPARTMENT OF CONSUMER & INDUSTRY SERVICES**  
**BEFORE THE STATE BOUNDARY COMMISSION**

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**In the matter of:**

**Boundary Commission**  
**Docket #95-AR-2**

**The proposed annexation of  
territory in Fawn River Township  
to the City of Sturgis.**

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**FINDINGS OF FACT AND ORDER**

This matter of the proposed annexation of the following territory situated in Fawn River Township to the City of Sturgis, and described as follows:

Commencing at the NW. corner of Sec. 6, T8S, R9W, Fawn River Twp., St. Joseph County, State of Michigan; thence S. along the W. line of Sec. 6, 660', thence E. and parallel with the N. line of Sec. 6, 205', thence S. 150.8' parallel with the W. line of Sec. 6, thence W. 205' parallel with the N. line of Sec. 6 to the W. line of Sec. 6, thence S. 108.3' along the W. line of Sec. 6, thence E. 205' parallel with the N. line of Sec. 6, thence S. 100' parallel with the W. line of Sec. 6, thence W. 205' parallel with the N. line of Sec. 6, thence S. along the W. line of Sec. 6 to the N. line of the Penn Central Railroad right-of-way thence in a NEly direction along the N. Line of the Penn Central Railroad right-of-way to the E. line of Sec. 6, thence N. along the E. line of Sec. 6 to the NE. corner of Sec. 6, thence W. along the N. line of Sec. 6 to the point of beginning.

Having come for final adjudication before State Boundary Commissioners VerBurg, Rutledge and Walker, and St. Joseph County Boundary Commissioner Easterday, in Lansing, Michigan, on March 26, 1996, and the Commission being fully advised as to the position of the respective parties, made its findings on said date.

## SUMMARY OF PROCEEDINGS

1. On **March 9, 1995**, a petition, designated **Docket #95-AR-2**, was filed asking for the annexation of certain territory in Fawn River Township to the City of Sturgis.
- B. On **May 16, 1995**, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On **October 10, 1995**, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968 as amended.
- D. On **March 26, 1996**, an adjudicative meeting was held to consider the docket and render a decision.

## INFORMATION TO BE NOTICED

1. The petitioner indicated in the petition that the annexation was desired because:
  - the City of Sturgis could immediately provide many basic services
  - from the standpoint of governmental efficiency, the territory should be within the political jurisdiction of the City
  - Fawn River Township provides no water, sewer, or electrical services and has no plans to do so
  - Burr Oak Township, on the northern border, does not have these services and has no plans to provide them
  - the annexation would make a more regular boundary and improve contiguity with an island of city-owned property on the east that is part of the City
2. The petitioner and the township entered into an Agreement under Public Act 425 of 1984, which was filed with the Office of the Great Seal, Department of State on August 14, 1995.
3. The petitioner requested to withdraw the petition.
4. Boundary Commission Rules do not allow for the withdrawal of petitions.
5. Subsequently:
  - the petitioner and the township informed the Commission that they would be taking no position or offering any further evidence or facts with respect to the annexation

- petition,
- at the public hearing the petitioner and township stated that the matter had been resolved by an agreement amongst the parties and declined to submit additional testimony.

**THE COMMISSION FINDS THAT:**

1. No information on the reason for the annexation was submitted to the docket.
2. There is no aggrieved party because the parties have resolved the issue themselves.
3. There is no basis in the record for the Commission to consider the proposed annexation.

**IN CONCLUSION, THE COMMISSION FINDS THAT:**

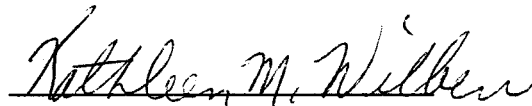
1. The Commission has considered all the testimony and information contained within the record of this docket.
2. The Commission has considered the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
3. During an adjudicative meeting held March 26, 1996, State Boundary Commissioners VerBurg, Rutledge, and Walker and St. Joseph County Boundary Commissioner Easterday voted unanimously to recommend denial of the petition for annexation based of the fact that the parties had resolved the issue among themselves.
4. On July 16, 1996, the Commission reviewed the draft Findings of Fact and Order, and passed a motion to approve the Finding of Fact and recommend the Order be executed.

**ORDER**

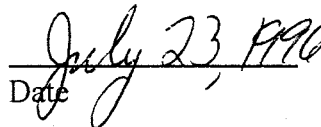
**DOCKET # 95-AR-2**

**IT IS ORDERED THAT** this order denying the petitioned annexation of certain territory into the Home Rule City of Sturgis shall be final and effective on the date signed by the Director of the Department of Consumer & Industry Services.

**IT IS FURTHER ORDERED THAT** a certified copy of these Findings of Fact and Order shall forthwith be transmitted to the petitioner and to the clerks of the City of Sturgis, Fawn River Township and St. Joseph County.



Kathleen M. Wilbur, Director  
Department of Consumer and Industry Services

  
Date